

REMARKS

In the Office Action, the Examiner rejected Claims 1-4, 67-10 and 12-17, which are all of the pending claims, under 35 U.S.C. 103 as being unpatentable over the prior art. More specifically, Claims 1-4, 7-10 and 13-16 were rejected as being unpatentable over U.S. Patent 6,578,066 (Logan, et al.) in view of U.S. Patent application publication no. 2003/0145106 (Brown); and Claims 6, 12 and 17 were rejected as being unpatentable over Logan and Brown and further in view of U.S. Patent 6,282,281 (Low). Claims 1, 7 and 13-17 were also rejected under 35 U.S.C. 112, and Claims 13-17 were further rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

It is noted that the previous rejection of the independent Claims 1, 7 and 13 under 35 U.S.C. 102 as being fully anticipated by Logan, et al. was withdrawn.

Independent Claims 1, 7 and 13 are being amended to better define the subject matters of these claims. In particular these claims are being amended to indicate expressly that the instances have different databases, and one of the instances is selected for the session with the user based on which one of those different databases is best suited for the user.

It is believed that the amendments being made herein also fully address the rejections of Claims 1, 7 and 13 under 35 U.S.C. 112, first paragraph.

Applicants will first address the rejections of the claims under 35 U.S.C. 112 and 101, and then discuss the rejections of the claims under 35 U.S.C. 103.

Rejections under 35 U.S.C. 112 and 101

In rejecting Claims 1, 7 and 13 under 35 U.S.C. 112, the Examiner indicated it is unclear how an instance could select another instance or send to the user.

As discussed in Applicants' previous Amendment, these instances are instances of an application, and these instances are operating on servers. As such, the instances are able to perform functions such as selecting among the instances and sending information and data to a user.

To improve the form of the claims, this opportunity is being taken to amend independent Claims 1, 7 and 13 are being amended to indicate expressly that each of the instances is an instance of an application, and that are "operating" to perform described functions such as selecting one of the instances for a session with a user, and sending to the user an identifier for establishing that session with the user. It is through this operation that the instances are able to select among the application instances and to send information to the user, as described in the claims.

With specific regard to the feature that an instance selects one of the instances, it may be worth noting that, as discussed below, in the operation of the present invention, a set of instances are provided, and one of the instances selects an instance for a session with the user. That selected instance may be, or might not be, the same instance that does the selecting. The instance that does the selecting chooses from among all the instances to select the one instance for the session with the user. The instance that does the selecting could choose itself, or could choose some other instance.

After carefully reviewing all of the claims, it is believed that the terms "instance" and "instances" are used in the claims in a clear and definite manner.

Claims 7-13 were also rejected under 35 U.S.C. 112, and further rejected under 35 U.S.C. 101, on the basis that the specification does not positively disclose what a program storage device is.

These rejections are respectfully traversed because the phrase “program storage device” is a common expression and, in the context of the present application, is well understood by those of ordinary skill in the art. As Applicants noted in the previous Amendment, a word search through the US PTO Web site shows that the phrase “program storage device” is found in the claims of more than 3900 US patents. In addition, the claims of the present application – which form part of the disclosure – expressly describe what the purpose of the program storage device is.

This program storage device is, as described in Claim 13, “readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for establishing a session, via the Internet, between a user and an application. Thus, as described in the claims, the program storage device produces a tangible, concrete and useful result. Specifically, this device tangibly embodies a program of instructions, executable by a machine to achieve a specific, useful and concrete result – establishing a session between a user and an application.

The term “program storage device,” as used in the present application, is well understood by those of ordinary skill in the art, and, further, is an article of manufacture within the meaning of 35 U.S.C. 101. For these reasons, Claim 13 and Claims 14-17, which are dependent from Claim 13, are directed to statutory subject matter and also are clear and definite.

For the reasons set forth above, Claims 13-17 are statutory subject matter, within the meaning of 35 U.S.C. 101, and Claims 1, 7 and 13-17 satisfy the requirements of 35 U.S.C. 112. The Examiner is, thus, respectfully asked to reconsider and to withdraw the rejection of Claims 13-17 under 35 U.S.C. 101 and the rejection of Claims 1, 7 and 13-17 under 35 U.S.C. 112.

Rejections under 35 U.S.C. 103

Moreover, Claims 1-4, 6-10 and 12-17 patentably distinguish over the prior art and are allowable. The Examiner is thus also asked to reconsider and to withdraw the rejection of Claims 1-4, 6-10 and 12-17 under 35 U.S.C. 103, and to allow these claims

Generally, Claims 1-4, 6-10 and 12-17 patentably distinguish over the prior art because the prior art does not disclose or render obvious selecting on the instances of the application for a session with a user based on which of the different databases, of the plurality of available instances, is best suited for the user.

In order to best understand this feature and its significance, it may be helpful to review briefly this invention and the prior art.

The present invention relates to routing users to one of a group of application instances, available via the Internet on different servers, based on user profiles and security factors. As discussed in detail in the present application, an ever-increasing number of applications are being made available via the Internet, and these applications are being used by an increasing number of people. This presents important new opportunities and challenges for businesses and Web site operators. One significant challenge is to provide a user with appropriate information, which may vary substantially from user to user.

The present invention effectively provides the user with that appropriate information. Generally, this is done by using one Internet application instance, on one Web server, to route users automatically to one of a group of application instances, which have different database, so that the user is routed to the instance that has the database that is appropriate for the user.

More specifically, in a method embodying the invention, a set of instances of the application are provided on a plurality of servers. Each of the instances operates on one of the servers and has a respective Internet address, and the set of instances have different databases. A

user accesses one of these instances, via the Internet, by means of the Internet address of that one instance.

The accessed instance selects one of the application instances (which, as mentioned above, may or might not be the originally accessed instance) for a session with the user based on which one of the different databases is best suited for the user according to a defined procedure. The originally accessed instance sends to the user an identifier for establishing a session with the selected instance, and the user then establishes the session with that selected instance using the identifier sent to the user.

The prior art does not disclose or render obvious the feature of selecting the instance for the session with the user based on which database, of the different databases of the instances, is best suited for the user.

For instance, Logan, et al, which is the primary reference relied on by the Examiner, discloses a procedure for balancing a load among distributed servers. In this procedure, a switch examines the source IP address of the domain name server request, examines the user's IP-address, and determines if there is a server site that is geographically close to that user. The switch may choose a next remote server based on the remote server location compared to the domain name server request source. The switch then sends the domain name sever response back to the client domain name server with the IP addresses in an ordered list.

It is very significant that in the system described in Logan, et al, each of the distributed sites have identical storage (see for example, column 3, lines 8-11). The present invention uses the exact opposite arrangement – the instances have different databases.

Brown discloses a method and system for directing wireless data packets. One embodiment of the system includes a data port and a redirection engine. The data port is configured to receive data in accordance with a wireless data protocol. The redirection engine

inspects the received data and directs corresponding data in accordance with the wireless data protocol to a particular one of a plurality of computer network elements.

Brown, thus, is directed to routing individual data items to computer network elements. This is very different from establishing a session between a user and a server, where communications are sent back and forth between the user and the server.

Moreover, in view of the fact that, an important feature of the Logan system is that the different sites have identical data storage, it cannot be said that it would be obvious to one of ordinary skill in the art to modify the Logan system to have different sites with different databases. Such a modification would make the Logan system ineffective for its intended purpose.

The other references of record have been reviewed, and these other references, whether considered individually or in combination, also do not disclose or render obvious this feature of the present invention.

Low discloses a system for providing telecommunications services. In this system, a server is connected to a computer network. This network is generally accessible to users of the telecommunications system. Users place service resource items on the server, and a predetermined code is associated with each service resource item. When a control subsystem receives a service request, that control subsystem uses the predetermined code to access a corresponding service resources item to provide service in response to the service request.

The Examiner cited Low primarily for its disclosure, in column 4, lines 25-31, that a user profile is configurable.

Configurable user profiles are known. What is important in the present invention is that the selected instance is chosen based on which of the different databases, of the set of instances, is best suited for the user.

Low, like Logan, et al. and Brown, does not disclose or render obvious this aspect of this invention.

This feature of the present invention is of utility because, as a result, the application instances do workload management and also to enforce security rules. Under these security rules, for example, a user on one instance might not be given access to another instance.

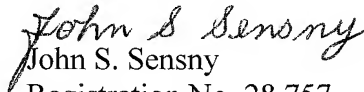
Independent Claims 1, 7 and 13 are being amended to describe expressly this feature. In particular, each of these claims is being amended to indicate that the selected instance is selected based which of the different databases, of the set of instances, is best suited for the user according to a defined procedure.

In view of the above-discussed differences between Claims 1, 7 and 13 and the prior art, and because of the advantages associated with those differences, Claims 1, 7 and 13 patentably distinguish over the prior art and are allowable. Claims 2-4 and 6 are dependent from Claim 1 and are allowable therewith; and Claims 8-10 and 12 are dependent from, and are allowable with, Claim 7. Likewise, Claims 14-17 are dependent from Claim 7 and are allowable therewith. The Examiner is thus asked to reconsider and to withdraw the rejection of Claims 1-4, 6-11 and 13-17 under 35 U.S.C. 103, and to allow these claims.

For the reasons set forth above, the Examiner is asked to reconsider and to withdraw the rejection of Claims 13-17 under 35 U.S.C. 101 and the rejection of Claims 1, 7 and 13-17 under 35 U.S.C. 112. The Examiner is requested to reconsider and to withdraw the rejection of Claims 1-4, 6-11 and 13-17 under 35 U.S.C. 103, and to allow these claims.

If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,


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